

Introduction

In the mid-sixteenth century, three rabbis, one living in the Land of Israel, another in Poland, and a third in Lithuania, were independently trying to do what few had ever succeeded in doing: establish a single code of Jewish law. To accomplish this, they had to choose between a myriad of competing understandings of Jewish law (*halakah*) that had emerged on almost every topic during the previous millennium. How they did so is the subject of this work.

Deciding the law was no trivial matter. In an age in which almost all Jews believed that halakah was an expression of Divine will, failure to observe it properly was thought to have cataclysmic consequences for the individual and the Jewish People both in this world and in the world to come. In numerous instances the Torah baldly stated that proper observance was the key to success in this world, and that failure to observe the law would result in hardship and, ultimately, exile.¹ This latter point probably struck a chord with sixteenth-century Jews who, in the wake of the Expulsion from the Iberian Peninsula, generally believed that they were exiled for their sins.² Halakah was not simply law, it was God's law, and every Jew had to know the right way to observe it.³

¹ See, for example, Ex. 15.26, 20.12; Lev. 26.3–41; Deut. 4.1., 5.30, 11.13–17, among others.

² See Yosef Yerushalmi, *Zakhor: Jewish History and Jewish Memory* (Seattle: University of Washington Press, 1982), 62, 64.

³ See Ex. 13.9–10; Amos 2.4; Ezra 7.10, among other examples of biblical texts that tightly connected “God’s Torah” with law. Also see Chaim Saiman, *Halakhah: The Rabbinic Idea of Law* (Princeton: Princeton University Press, 2018), 20.

Around the year 1300, Rabbi Solomon ibn Aderet (1235–1310, Barcelona) was asked how to determine which legal opinion should be followed in practice. Was one to follow the pronouncements of those scholars who boasted the greatest reputations? Should majority rule among the various authorities be the guiding principle? Was it incumbent on each decisor to research all the relevant material, ponder which opinion was correct, and then draw his own conclusions? Ibn Aderet offered several possibilities for deciding the law, including several contingency factors in cases of need or significant loss. He gave leeway and authority to rabbinic scholars who could rule independently. However, ibn Aderet offered guidance on how to decide specific questions, not how to create a code of law.⁴

The challenges of deciding the law became more acute in the late fifteenth and sixteenth centuries with the advent of print. In the world of manuscripts, the views of many medieval scholars remained unknown beyond the regions in which they lived, for ideas moved slowly when everything had to be copied by hand. Print created an information explosion as hundreds of copies of works by different authors from far-flung places were presented to the reading public in a convenient format. Printed books were transported across Europe and around the Mediterranean, thus multiplying the legal possibilities to be considered.

Migration also exposed people to new ideas. The persecutions of Jews that began in Castile and Aragon in 1391 and culminated in expulsions from Spain, Portugal, and Navarre in the waning years of the fifteenth century uprooted communities, and emigrant Iberian Jews brought their old ways of doing things to new settings. Similarly, the migration of Jews from German-speaking areas to eastern Europe and, in the fifteenth century, to the Italian lands exposed migrants to new ideas and the communities that welcomed them to alternative ways of doing things. Not surprisingly, the question of how to choose between the views of various legal authorities resurfaced at this time. Responding to this very question, Rabbi Moses ben Isaac Alashkar (1466–1542), a native of Castile who found his way to Egypt and the Land of Israel in the wake of the Spanish Expulsion, cited ibn Aderet, but, like his predecessor, Alashkar did not bring order to the rather chaotic world of legal decision

⁴ See Solomon ibn Aderet, *She'elot u-teshubot ha-Rashba'*, vol. 1, ed. Aharon Zelesnik et al. (Jerusalem: Machon Yerushalayim, 1997–2005), no. 253.

making.⁵ It was only toward the end of Alashkar's life that a fellow Castilian began to address this problem for all Jews.

Rabbi Joseph Caro (1488–1575) was the son of a Toledan family who fled from Spain to Portugal when he was a child, and then, following the expulsion of the Jews from Portugal in 1497, to Egypt, the first of a number of stops in the eastern Mediterranean Basin.⁶ Eventually he became a member of the rabbinic court in Safed, a town in the northern region of the Land of Israel that attracted many immigrants.⁷ Caro's legal code, *Shulḥan `aruk*, was first published in Venice in 1565–66, perhaps as long as five or six years after it was written.⁸ *Shulḥan `aruk* was one of the first, if not the first, Hebrew work printed with the approval of the official censor of the Church, but this did not make it an authoritative legal text for Jewish communities.⁹ No government or communal organization sanctioned or designated it a recognized legal code, yet for all intents and purposes this is what *Shulḥan `aruk* quickly became.¹⁰

This study compares Caro's methods of decision making in codification with those of two of his most accomplished contemporaries who were living in northern Europe. Rabbi Solomon Luria (d. 1573), also

⁵ See Moses ben Isaac Alashkar, *She'elot u-teshubot* (Sabbioneta: Cornelius Adelkind, 1554), no. 53. In subsequent editions the responsum was divided into two parts and became nos. 53 and 54.

⁶ See the biographical material found in R. J. Zwi Werblowsky, *Joseph Karo: Lawyer and Mystic*, 2nd ed. (Philadelphia: Jewish Publication Society of America, 1977), 84–94, and Mor Altshuler, *Ḥayyey maran Yosef Qa'ro* (Tel Aviv: Tel Aviv University Press, 2016), 21–40.

⁷ On immigration to Safed in the sixteenth century, see Abraham David, *To Come to the Land: Immigration and Settlement in Sixteenth-Century Eretz-Israel*, trans. Dena Ordan (Tuscaloosa: University of Alabama Press, 1999), 97–99.

⁸ The title page of the first printed volume of *Shulḥan `aruk* (Orah ḥayyim) was dated 18 Kislev (5)325 (22 November 1564); that is when printing began. Like all printing in the early modern period, each page had to be set by hand and individually printed. Somewhat unusually, the frontispieces of the second (Yoreh de'ah) and third (Eben ha'ezer) volumes both had the same starting date, 11 Nissan (5)325 (13 March 1565). Printing of the fourth volume (Ḥoshen mishpat) began on 6 Heshvan (5)326 (1 October 1565). Regarding the date of completion of the work, see Amnon Raz-Krakotzkin, "Ḥaḳiqah, meshihyyut ve-zenzurah: hadpasat ha-Shulḥan `aruk ke-re'shit ha-moderniyyut," in *Tub `elem: zikkaron, kehillah u-migdar be-ḥebrot yehudiyot beyemey ha-beynayyim u-be-et ha-ḥadashah ma'amarim li-kebodo shel Re'uven Bonfil*, ed. Elisheva Baumgarten, Amnon Raz-Krakotzkin, and Roni Weinstein (Jerusalem: Bialik Institute, 2011), 327, with n. 46.

⁹ Raz-Krakotzkin, "Ḥaḳiqah, meshihyyut," 309–10, 322–23, 327–30.

¹⁰ That an "unofficial" code became the generally accepted source of law was not unique to Jewish legal history. Gratian's *Decretum* (ca. 1140) was the work of a private person, yet it became a standard reference work in canon law. See R. H. Helmholz, *The Spirit of Classical Canon Law, Spirit of the Laws* (Athens: University of Georgia Press, 1996), 10.

known by the Hebrew acronym Maharsha”l (Moreynu [our teacher] Ha-Rab [the rabbi] Shelomo Luria), who lived in Brest-Litovsk, Ostroh (presently in Ukraine, but then in the Grand Duchy of Lithuania), and later in Lublin, and Rabbi Moses Isserles of Krakow (d. 1572).¹¹ Luria composed a legal digest of his own, while Isserles, who is perhaps better known by the Hebrew acronym ReMa” (Rabbi Moses ’Isserles), abandoned writing his own compendium when Caro’s legal texts arrived on the scene, and turned to glossing Caro’s work.¹²

Caro and Isserles published major works on Jewish law during their lifetimes that would quickly become the foundations of Jewish legal thought and remain so to this day. The reason for their success is a question that we will return to later in this study. Luria’s works were only published posthumously but small parts of his writings were copied and taken to Krakow, where Isserles collected them and read them carefully. Luria used some of Caro’s texts quite extensively. Whether Caro saw any of Isserles’s printed works or knew of Luria is unknown.¹³ The intersection of these lives offers an opportunity to understand what Isserles and Luria thought of each other’s methods and what they both thought of Caro’s legal writings after having had the opportunity to study at least some of them.

Caro, Isserles, and Luria spelled out their guiding principles of decision making in introductions to their respective works that have often been cited. However, buried in the body of their works are considerations and legal determinants that have not yet been brought to the fore. They show strikingly divergent perceptions about how to decide between discordant legal positions and highlight the multi-faceted nature of the halakic endeavor.

Here these codifications of Jewish law are placed within the legal cultures of the sixteenth century.¹⁴ Contextualization does not mean that Caro, Isserles, Luria, and their legal projects were directly influenced by

¹¹ It is generally accepted that Isserles died in May 1572. However, David ben Samuel ha-Levi, *Sefer turey zahab* (Lublin: Zebi Yafeh, 1646), Orah hayyim 420.1, dated his death to 1573.

¹² See Moses Isserles, *Darkey Mosheh ha-shalem Tur Hoshen mishpat*, 2 vols., ed. Hayyim Shelomoh Rosenthal (Jerusalem: Machon Yerushalayim, 1979–83), introduction, 36.

¹³ Luria corresponded with the “elders of Jerusalem” but there is nothing to suggest that he had direct communication with Caro who was further north in Safed. Solomon Luria, *Yam shel Shelomoh*, 5 vols. (Jerusalem: Machon Hamaor, 2017), Gitin 2.4.

¹⁴ The use of the term “codification” – first coined in English by Jeremy Bentham – for treatises not enacted by a legislative body has been termed anachronistic. See Reinhard Zimmermann, “Codification: The Civilian Experience Reconsidered on the Eve of a

Muslim or Christian legal thought, although the possibility is considered. The new technology of movable type contributed to the codification of law in sixteenth-century Europe by Jews and non-Jews alike. By the mid-sixteenth century, print was flourishing and the possibilities of influencing more people than ever dangled before every author.

Other historical forces unique to Jewish life, in addition to the expulsions from the Iberian Peninsula, shaped developments in Jewish law. The burning of the Talmud in Rome, Venice, Ancona, Pesaro, and other Italian towns in the mid-sixteenth century, though not even a blip in the history of European law, was, as we will see, crucial to developments in Jewish legal history, even for eastern European Jews.

EARLY CODIFICATION OF JEWISH LAW

The Hebrew Bible was ostensibly the first code of Jewish law. It laid out numerous rules such as the prohibitions of murder and theft, regulations concerning the observance of the Sabbath and festivals, and demands related to the sacrificial order. Some biblical laws, such as taboos on various foods (for example, pork) were perfectly clear; others were not.¹⁵ What exactly did the injunction against not doing “work” on the Sabbath mean? The Bible’s lack of specificity engendered a wide range of legal interpretations. For example, according to the Book of Jubilees (second-century BCE) any man who “lay with his wife” on the Sabbath violated the biblical prohibition of “work” and was deserving of death, a view that did not gain acceptance among the Rabbis of the post-Second Temple period.¹⁶

By the second century CE, the rabbis of various legal schools in the Land of Israel had come to a wide array of understandings on a seemingly endless number of issues creating confusion in the law. Rabbi Judah ha-Nasi (lit., “the prince”), Patriarch of the Jews and leader of the Jewish community there, addressed this problem around the year 200 by

Common European Sales Law,” in *Codification in International Perspective*, ed. Wen-Yeu Wang (Cham, Switzerland: Springer, 2014), 12, n. 6, 14. For a historical argument in favor of its use, see Nils Jansen, *The Making of Legal Authority: Non-Legislative Codifications in Historical and Comparative Perspective* (Oxford: Oxford University Press, 2010), 1–5, 13–45, and, specifically regarding Jewish communities, Menachem Elon, *Jewish Law: History, Sources, Principles*, trans. Bernard Auerbach and Melvin Sykes (Philadelphia: Jewish Publication Society, 1994), 1140–48. Also see Saiman, *Halakhah*, 167–68.

¹⁵ Regarding pork, see Deut. 14.8. ¹⁶ Jubilees 50.10; B.T., *Ketubbot* 62b.

collecting and editing many of the legal positions that had emerged into what is known as the Mishnah. In the Mishnah, Rabbi Judah often decided between conflicting opinions, but he did not offer a harmonious listing of legal rules as is the norm in codes of law. Rabbi Judah repeatedly presented users with multiple possibilities, such as Rabbi X says A and Rabbi Y says B about this or that law.

Subsequent generations of rabbis discussed the Mishnah and resolved some of the legal uncertainties that arose from it. The Amoraim (sg., amora), rabbis who lived from approximately 200–500, searched for the sources and rationales of laws mentioned in the Mishnah, discussed the validity of various opinions, offered new suggestions for biblical exegesis, and more.¹⁷ Their discussions were ultimately redacted in what became the Gemara (lit., “learning”) that, together with the Mishnah, made up the Talmud. There were two Talmuds, one completed in the Land of Israel around 380 and generally known as the Jerusalem Talmud, and a second, the Babylonian Talmud, edited and emended in the Sasanian provinces of Mesopotamia, the geographic area known as “Babylonia” in Jewish culture and today as Iraq, into the seventh century, if not the eighth. Neither Talmud was intended to be a code of law, in fact they often complicated matters by raising more legal possibilities than had existed before.¹⁸

Dealing with this confusion in rabbinic legal culture was not simple for the status of the Patriarch declined after 200 CE and the Roman emperor Theodosius II abolished the office in 425.¹⁹ Thereafter there was no one person or body empowered to decide which legal view was correct, institute new laws, repeal or amend rabbinic ordinances that were out of date, or deal with the ongoing challenges of ever evolving Jewish life. The talmudic centers in the Land of Israel and Babylonia struggled to

¹⁷ Moses ben Maimon, *Mishneh Torah*, introduction, thought that Rabbina (d. ca. 421) and Rab Ashi (d. ca. 427) were the final redactors of the Babylonian Talmud (probably based on B.T., *Baba’ mezi’a’* 86a) and exercised broad authority. Modern scholarship has discredited this idea and extended the period of editing further. See David Weiss Halivni, *The Formation of the Babylonian Talmud*, translated and edited by Jeffrey Rubenstein (New York: Oxford University Press, 2013), 63–102.

¹⁸ See the brief, but very helpful discussion in Moshe Halbertal, *People of the Book: Canon, Meaning, and Authority* (Cambridge, MA: Harvard University Press, 1997), 72–73, as well as Moshe Silberg, *Kak darko shel talmud*, 2nd ed., Faculty of Law of the Hebrew University Legal Studies, no. 8 (Jerusalem: Mif’al Hashichpul, 1964), 16–19.

¹⁹ On the extent, or lack thereof, of the Patriarch’s powers, see Lee Levine, “The Status of the Patriarch in the Third and Fourth Centuries: Sources and Methodology,” *Journal of Jewish Studies* 47, no. 1 (Spring 1996): 1–32.

extend their authority over other regions.²⁰ While advocates of the Babylonian Talmud ultimately succeeded in having their foundational text transcend local boundaries, the dispersion of the Jews to different political and religious spheres and the difficulty of long distance communication and travel resulted in the emergence of regional cultural centers in the Land of Israel, Babylonia, North Africa, Muslim Spain, and later in medieval France and the German-speaking lands, and, from the mid-sixteenth century, Poland.²¹

MEDIEVAL RABBINIC CODIFICATION

The most important medieval code of halakah was Moses Maimonides's *Mishneh Torah* (Code of Jewish Law), written in Egypt toward the end of the twelfth century. Organized topically, Maimonides's code was intended to be the final word in the law. Unprecedented in its scope, it dealt with every aspect of halakah as well as matters of philosophy and belief.²² It was held in high esteem in Jewish communities as geographically diverse and culturally dissimilar as Yemen and the Iberian Peninsula. In the sixteenth century, Joseph Caro called Maimonides the "lion of the Land" of Israel and declared that Jews in the Land of Israel – although not those who had migrated there from northern Europe – and "Arabic-speaking lands and the west" (*ha-ar'abisṭ'an ve-ha-ma`arab*) had followed Maimonides's *Mishneh Torah* for generations.²³

²⁰ The third century scholar Rabbi Ammi son of Rabbi Nathan, who lived in the Land of Israel, did attempt to have one of his rulings "spread to all of Israel" (B.T., *Giṭṭin* 44a). On the efforts of Babylonian talmudic centers to extend their authority, see Robert Brody, *The Geonim of Babylonia and the Shaping of Medieval Jewish Culture* (New Haven: Yale University Press, 1998), 100–34, and Marina Rustow, *Heresy and the Politics of Community: The Jews of the Fatimid Caliphate*, *Conjunctions of Religion and Power in the Medieval Past* (Ithaca: Cornell University Press, 2008), 3–23.

²¹ Among the propagandists for the Babylonian Talmud, Pirqoi ben Baboy stands out (late eighth, early ninth centuries). See Brody, *The Geonim of Babylonia*, 113–17, and the material cited by him in n. 45.

²² See Shelomoh Zalmen Havlin, "Al 'ha-ḥatimah ha-sifrutit' ke-yesod ha-ḥaluqah le-tequfot be-halakah," in *Mehqarim be-sifrut ha-talmudit: yom 'iyyun le-regel mel'ot shemonim shanah le-Sha'ul Liberman, 8–9 be-Sivan [5]738*, brought to press by Shemu'el Re'em (Jerusalem: Israel Academy of Sciences and Humanities, 1983), 183–92.

²³ Caro's characterization of Maimonides as the "lion of the Land" appeared in his responsa, *She'elot u-teshubot abqat rokel*, ed. David Avitan (Jerusalem: Siah Yisrael, 2002), no. 24, p. 112. Also see Chapter 1 [pp. 31–32 with nn. 24, 25]. "Ar'abisṭ'an" was the Ottoman Turkish word for those areas of the Empire that spoke Arabic. Whether

Despite Maimonides's indisputable mastery of the law, his legal code only merited what has been termed a "respected but circumscribed place" among Jewish legal scholars who hailed from the German-speaking lands, or Ashkenazic Jews, into the sixteenth century for two basic reasons.²⁴ One, Maimonides did not take into account the views and customs of the medieval Franco-German tosafists, rabbis of the twelfth and thirteenth centuries who strove to reconcile apparent contradictions in talmudic texts and whose interpretations of the Babylonian Talmud shaped practice for Jews in Northern France and German-speaking lands.²⁵ The criticism was unfair because Maimonides lived in a different cultural orbit and knew nothing of these French and German rabbis. He was born in Muslim Spain in 1135 or 1138, fled persecution as a child with his family to North Africa, and later flourished in Fustat (now a suburb of Cairo) where he died in 1204, all in an age of limited communications. His *Mishneh Torah* could not have incorporated the legal thought and practices of Jews who lived in northern European lands.²⁶ Two, Maimonides did not provide sources for his legal conclusions, leaving no definitive way to grasp the rationales for his views, a criticism that Maimonides anticipated and was raised almost immediately upon *Mishneh Torah*'s arrival in Provence in the late twelfth century.²⁷ Rabbi Asher ben Yehi'el

Caro used it in its most expansive meaning (i.e., to include sections of North Africa) or in a more limited sense is not immediately clear.

- ²⁴ See Jeffrey Woolf, "Admiration and Apathy Maimonides' *Mishneh Torah* in High and Late Medieval Ashkenaz," in *Be'erot Yitzhak: Studies in Memory of Isadore Twersky*, ed. Jay M. Harris (Cambridge, MA: Harvard University Press, 2005), 427–53 (the citation appears on 453). Also see Ephraim Kanarfogel, "Assessing the (Non-) Reception of *Mishneh Torah* in Medieval Ashkenaz," in "*In the Dwelling of a Sage Lie Precious Treasures:*" *Essays in Jewish Studies in Honor of Shnayer Z. Leiman*, ed. Yitzhak Berger and Chaim Milikowsky (New York: Ktav, 2020), 123–45; Herbert Davidson, *Moses Maimonides: The Man and His Works* (New York: Oxford University Press, 2005), 284–85.
- ²⁵ See Haym Soloveitchik, "The Halakhic Isolation of the Ashkenazic Community," in *Collected Essays*, vol. 1 (Oxford: Littman, 2013), 31–38, as well as his, "The Printed Page of the Talmud: The Commentaries and Their Authors," in *Collected Essays*, vol. 1 (Oxford: Littmann, 2013), 3–10, regarding the character of the tosafists.
- ²⁶ There were attempts in the thirteenth century to engage the thought of the tosafists with Maimonides's code. See Judah Galinsky, "The Significance of Form: R. Moses of Coucy's Reading Audience and his *Sefer ha-mizvot*," *AJS Review* 35, no. 2 (November 2011): 300–4, and David Dablitzy, "Haggahot Maymoniyot," *Tzfunot* 1, no. 1 (1989): 49–50.
- ²⁷ In general, see Isadore Twersky, "The Beginnings of *Mishneh Torah* Criticism," in *Studies in Jewish Law and Philosophy*, reprint, 1963 (New York: Ktav, 1982), 31, 39–42. More specifically, see the comments of Rabbi Abraham ben David of Posquière to Maimonides's introduction to *Mishneh Torah*. Rabbi Samson of Sens focused on this

(d. 1327), who in 1304 emigrated from the German-speaking lands to the Iberian Peninsula, went so far as to censure Maimonides for writing “like a prophet who heard it from the Almighty without rationales or proofs” for his views.²⁸

Although Maimonides was used by most fifteenth-century Ashkenazic legal authorities, there appear to have been only a few copies of *Mishneh Torah* in early sixteenth-century Frankfurt where there was a long and uninterrupted tradition of rabbinic study.²⁹ An inventory of 700 of the approximately 1,500 books confiscated in Frankfurt in 1509–10 as part of a campaign spearheaded by Johannes Pfefferkorn, a Jewish apostate, and his Dominican backers against Judaism, lists no more than six copies of Maimonides’s books of law (*Bostkom* [=poseqim] or *Bos[a]eck Meymone*).³⁰ Perhaps there were additional copies among the other 800 books that were not included in the list. In nearby Worms there were five volumes of Maimonides’s work among a total of 303 books itemized in an inventory made in December 1509. By comparison, there were

around the year 1200. See Avraham Grossman, “Me-Andelusiyyah le-Eyropah: yaḥasam shel ḥakmey Ashkenaz u-Zarfat be-me’ot ha-12–ha-13 el sifrey ha-halakah shel ha-Ri”f ve-ha-Ramba”m,” *Pe’amim* 80 (Summer 1999): 26. The argument seems to have been used against those who followed Maimonides in the mid-sixteenth century as well. See the question in Caro, *Abqat rokel*, no. 32.

²⁸ See Asher ben Yehi’el, *She’elot u-teshubot le-rabbeynu Asher ben Yehi’el*, ed. Yizḥaq Yudlov (Jerusalem: Machon Yerushalayim, 1994), 31.9, as well as 94.5. Perhaps this was also the view of Asher ben Yehi’el’s teacher, Me’ir of Rothenburg, who compared Maimonides’s *Mishneh Torah* to the Urim and Thummim (i.e., rulings that came from heaven; the source was cited by Havlin, “Al ‘ha-ḥatimah ha-sifrutit,” 188 n. 187). On Asher ben Yehi’el’s views on Maimonides’s code, see Judah Galinsky, “Ashkenazim in Sefarad: The Rosh and the Tur on the Codification of Jewish Law,” *Jewish Law Annual* 16 (2006): 9–10, and with respect to his emigration, 4, with n. 2.

²⁹ On the use of *Mishneh Torah* by fifteenth-century German rabbis, see Jacob Weil, *She’elot u-teshubot Rabbeynu Ya’aqob Weil*, vol. 1, ed. Yonatan Domb (Jerusalem: Machon Yerushalayim, 2001), nos. 1, 2, 8, 9, 40, and 115, among others. Jacob Molin was perplexed by Maimonides’s occasional rulings against the Babylonian Talmud and ultimately said of them, “our knowledge is insufficient and the depth of his thinking is hidden from us” (Jacob Molin, *She’elot u-teshubot Mahari”l*, ed. Y. Satz [Jerusalem: Machon Yerushalayim, 1979], no. 194). Also see the criticism of Israel Isserlein, *Pesaqim ve-ketabim* (Venice: Bomberg, 1519), no. 20. On the rabbinic presence in Frankfurt, see Markus Horovitz, *Rabbaney Frankfurt*, with supplement by Joseph Una, trans. Joshua Amir (Jerusalem: Mossad Harav Kook, 1972), 15–21.

³⁰ Isidor Kracauer, “Verzeichnis der von Pfefferkorn 1510 in Frankfurt a.M. confiscierten jüdischen Bücher,” *Monatsschrift für Geschichte und Wissenschaft des Judentums* 44 (1900): 324, 327, 428, appears to list five copies; Avner Shamir, *Christian Conceptions of Jewish Books: The Pfefferkorn Affair* (Copenhagen: Museum Tusulanum Press, 2011), 110, said that there were six copies of Maimonides’s works.

thirty-four volumes of *tosafot*, the medieval talmudic commentaries produced in northern France and the German-speaking lands.³¹

A subsequent comprehensive code, Rabbi Jacob ben Asher's mid-fourteenth-century *Arba'ah turim* (lit., "Four Columns"; often referred to simply as *Tur*), fared better than Maimonides's *Mishneh Torah* in many northern European Jewish communities.³² From the perspective of Ashkenazic Jewry, Jacob ben Asher "improved" on Maimonides's efforts by incorporating the views of French and German scholars into his code.³³ Still, regional differences were not easily overcome.³⁴

Jews who hailed from northern France generally preferred works that reflected their own traditions, such as Rabbi Moses of Coucy's mid-thirteenth century *Sefer miẓvot gadol* and Rabbi Isaac ben Joseph of Corbeil's *Sefer miẓvot qaṭan* (ca. 1277), with the comments of Rabbi Peretz ben Elijah of Corbeil (d. ca. 1295).³⁵ In the second half of the fifteenth century, Rabbi Joseph Colon (d. 1480, fl. Savoy/Italian lands), scion of a French family, appears to have given lectures on practical aspects of the law based on *Sefer miẓvot gadol*.³⁶ Not unexpectedly, in

³¹ Max Freundenthal, "Dokumente zur Schriftenverfolgung durch Pfefferkorn," *Zeitschrift für die Geschichte der Juden in Deutschland* 3, no. 4 (1931): 231–32; Shamir, *Christian Conceptions*, 110. Maimonides's works were referred to as "Der Mamone." I have assumed that the reference is to *Mishneh Torah*. None of these records specify whether copies of Maimonides's were complete sets of *Mishneh Torah* or individual volumes.

³² Not all German rabbis were enamored with Jacob ben Asher's *Arba'ah turim*. Rabbi Shalom of Neustadt was said not to have used it "very much" (see Molin, *Responsa*, no. 138, already noticed by Yedidyah Dinari, *Hakmey Ashkenaz be-shilhey yemey ha-benayyim: darkeyhem ve-kitbehem ba-halakhah* [Jerusalem: Bialik Institute, 1984], 216). Success had its drawbacks. Judah Mintz, *She'elot u-teshubot Mahar"i Minz*, in *She'elot u-teshubot ge'onei Padova'h* (Jerusalem: Zichron Aharon, 2014), no. 15, p. 335, said that some rabbis did not want to read *Arba'ah turim*, Oraḥ ḥayyim, "because householders study it."

³³ Jacob ben Asher did not always cite his sources, but often presented more than one legal possibility. See Galinsky, "Ashkenazim in Sefarad," 12–23.

³⁴ The distinction between German and French rabbis was clear to the likes of Jacob Molin (see, for example, Molin, *Responsa*, no. 93). On some early differences between German and French rabbinic cultures, see Ephraim Kanarfogel, *The Intellectual History and Rabbinic Culture of Medieval Ashkenaz* (Detroit: Wayne State University Press, 2013), 80–84, and Judah Galinsky, "Between *Ashkenaz* (Germany) and *Tsarfat* (France): Two Approaches toward Popularizing Jewish Law," in *Jews and Christians in Thirteenth-Century France*, ed. Elisheva Baumgarten and Judah Galinsky (New York: Palgrave Macmillan, 2015), 77–92.

³⁵ See Jeffrey Woolf, "French Halakhic Tradition in the Late Middle Ages," *Jewish History* 27, no. 1 (2013): 6.

³⁶ Moses ben Jacob of Coucy, *Sefer miẓvot gadol ha-shalem*, 2nd ed., vol. 1, ed. A. Merzbach et al. (Jerusalem: Machon Yerushalayim, 2003), p. 25.